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MEMBER NY AND CT BAR

THIS FIRM DOES NOT ACCEPT  
SERVICE BY FACSIMILE TRANSMISSION

SUSAN SAMMUT, LEGAL ASSISTANT

December 27, 2007

**VIA FACSIMILE TO: 914-390-4085**  
**AND REGULAR MAIL**

Hon. Charles L. Brieant  
United States District Judge  
United States District Court, Southern District of New York  
United States Courthouse  
300 Quarropas Street, Room 633  
White Plains, New York 10601-4150  
Attn: Ms. Alice Cama, Deputy Clerk

**Re: Eric K. Merring v. the Town of Tuxedo, New York, the Town of Tuxedo**  
**Police Department, Town of Tuxedo Police Officer Anthony Delia,**  
**Shield Number 24, Town of Tuxedo Police Sergeant Patrick Welsh,**  
**Shield Number 17**  
**United States District Court, Southern District of New York**  
**Index Number: 07CV10381**  
**Court Conference Date: January 18, 2008, at 9:00 a.m.**

Dear Ms. Cama:

I represent the plaintiff in connection with the above-referenced matter, which is currently scheduled for conference as referenced above.

This correspondence will serve to confirm my request for a rescheduling to January 15, 2008, at 9:00 a.m., with consent from John Walsh, Esq., the attorney for the defendants, due to my scheduling requiring me to be in your Court on January 15, 2008, on another matter, at 11:00 a.m., for mediation in the matter of **Arlen Lamar Haymes, Sr. v. The Town of Poughkeepsie, The**

1/25/08  
a.

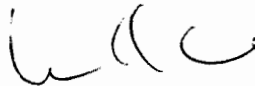
Hon. Charles L. Bricant  
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**Town of Poughkeepsie Police Department, Melchiorre Bruschetti, Brian Piotti, Matthew Orser, Michael Clear and Colin Bell, 06 CIV. 7751.**

Please advise if this new date and time is acceptable to the Court.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'LDK', with a stylized flourish at the end.

Lee David Klein

LDK:ss

cc: John Walsh, Esq. (via facsimile & regular mail)  
Client